

SENATE No. 860**The Commonwealth of Massachusetts**

PRESENTED BY:

Moore, Richard (SEN)*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Home Health Aides

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Moore, Richard (SEN)	Worcester and Norfolk
William N. Brownsberger	24th Middlesex
John W. Scibak	2nd Hampshire
Susan C. Tucker	Second Essex and Middlesex
Patricia D. Jehlen	Second Middlesex
Geraldo Alicea	6th Worcester
Richard J. Ross	9th Norfolk
Jay R. Kaufman	15th Middlesex
Mary E. Grant	6th Essex
Robert F. Fennell	10th Essex
John V. Fernandes	10th Worcester
Kay Khan	11th Middlesex
David P. Linsky	5th Middlesex
Elizabeth A. Malia	11th Suffolk
Martin J. Walsh	13th Suffolk
Michael F. Rush	10th Suffolk
James T. Welch	6th Hampden
Barry R. Finegold	17th Essex
Jonathan Hecht	29th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO HOME HEALTH AIDES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 80B of Chapter 112 of the General Laws, as appearing in the 2002 Official Edition is hereby amended by inserting in the last paragraph after the words "licensed practical nurse" the following:

"(8) the administration of or assistance with the administration of medications in the home by a home health aide as defined under G.L. c. 111, § 72F, provided that such an aide has completed agency training regulations to be drafted according to regulations promulgated by the Board of Registration in Nursing and the Department of Public Health and that the administration or assistance with administration is performed under the supervision of a registered nurse. The delegation permitted under this subparagraph eight shall be limited to medications which are oral, ophthalmic, otic, topical, intranasal, transdermal, suppository, prefilled, or products which are administered by inhalation. Administration of medications by intramuscular, subcutaneous, intradermal, intraosseous, intravenous shall not be permitted.

Agencies shall provide training and establish documentation protocols according to the nurse delegation model and regulations to be drafted by the Board of Registration in Nursing and the

Department of Public Health. These regulations shall specify that the registered nurse delegator and the home health aide are accountable for their own actions in the delegation process and that no registered nurse shall be required to delegate if the registered nurse determines it is inappropriate to do so. These regulations shall specify that delegation of administration of medication does not alter the responsibility of the home health agency or hospice to teach and the patient/family to participate in learning, self administration of medications, whenever appropriate.

A nurse licensed under this chapter who delegates a specific nursing activity or task in compliance with the rules adopted in these regulations shall not be subject to disciplinary action by the board of nursing for the performance of a person to whom the nursing activity or task is delegated.

SECTION 2. Section 9 of Chapter 94 C of the General Laws is hereby amended by inserting in the first paragraph after the words “veterinarian when registered pursuant to the provisions of Chapter 7” the following:

“a home health aide pursuant to the provisions of G.L Chapter 112 S 80B (8).”